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Application No. 09/825,758
Amendment dated March 7, 2005
Reply to Office Action of September 7, 2004

REMARKS

Applicant amended claims 1, 2, 25, and 42 to further define Applicant's invention.

Pursuant to a telephone conference with the Examiner and as indicated in the Office Action, the Examiner required restriction between Group I (claims 1-48) and Group II (claims 49-86). Applicant provisionally elects to prosecute Group I (claims 1-48), drawn to a method for delivering advertising content based on the elapsed time during a user session, without traverse.

In the Office Action, the Examiner rejected claims 1-4, 6, 8-12, 16, 18, 19, 21, 42, and 43 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,314,451 to Landsman et al. Applicant amended independent claim 1 to recite that the delivering step includes "delivering advertising content to the visual display based on the user interacting with the user interface during a selected interval of the elapsed time during the user session," the "selected interval of time being less than the elapsed time."

Applicant amended independent claim 42 to recite that the delivering step includes "the delivering of the advertising content to the visual display being uninterruptible by the user for a selected period of time." Applicant submits that claims 1 and 42 as now amended overcome the Examiner's rejections. Claims 2-4, 6, 8-12, 16, 18, 19, 21, and 43, dependent from claims 1 or 42, or claims dependent therefrom, overcome the Examiner's rejections for the same reasons as claims 1 and 42.

The Examiner rejected claims 5, 7, 13-15, 22-36, 38-41, and 44-48 under 35 U.S.C. § 103(a) as being unpatentable over Landsman et al. in view of U.S. Patent No. 6,094,677 to Capek et al. Applicant amended independent claim 25 to recite that the launching step includes "launching the advertising content to the visual display after a selected elapsed interval of time and the user interacting the user interface during the elapsed interval of time." Applicant submits that independent claim 25 as now amended overcomes the Examiner's rejection under 35 U.S.C. § 103(a) over Landsman et al. in view of Capek et al.

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Landsman et al. does not teach or suggest a method for delivering advertising content to a visual display "after a selected elapsed interval of time and the user interacting with the user interface during the elapsed interval of time." Applicant respectfully submits that the screen saver relied upon by the Examiner teaches the delivery to the display when there is no user interaction with the interface during a selected interval of time, (i.e., when the user is away or not using the visual display). The claimed invention delivers advertising content when there is user interaction with the user interface during a selected period of time (i.e., when the user is present at the display to view the advertising content). The claimed invention greatly enhances the likelihood that a user will be present to view an advertisement delivered to the visual display.

Applicant submits that claims 1, 25, and 42 as now amended overcome the Examiner's rejections. Claims 5, 7, 13-15, 22-24, 26-36, 38-41, and 44-48, dependent from independent claims 1, 25, or 42, or claims dependent therefrom, overcome the Examiner's rejections for the same reasons as claims 1 and 42.

The Examiner rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Landsman et al. in view of U.S. Patent No. 6,011,537 to Slotznick; and rejected claims 20 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Landsman et al. and Copek et al. and further in view of Slotznick. Applicant submits that the rejections over claims 17, 20, and 37 are rendered moot at least because they depend from an independent claim, or claims dependent therefrom, that overcome the Examiner's rejections.

In view of the foregoing remarks, it is respectfully submitted that the claims, as amended, overcome the Examiner's rejections. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any

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From-MARTIN&FERRAROLLP

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fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: March 7, 2005

By: 

Armando F. Ferraro
Registration No. 37,129

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030

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